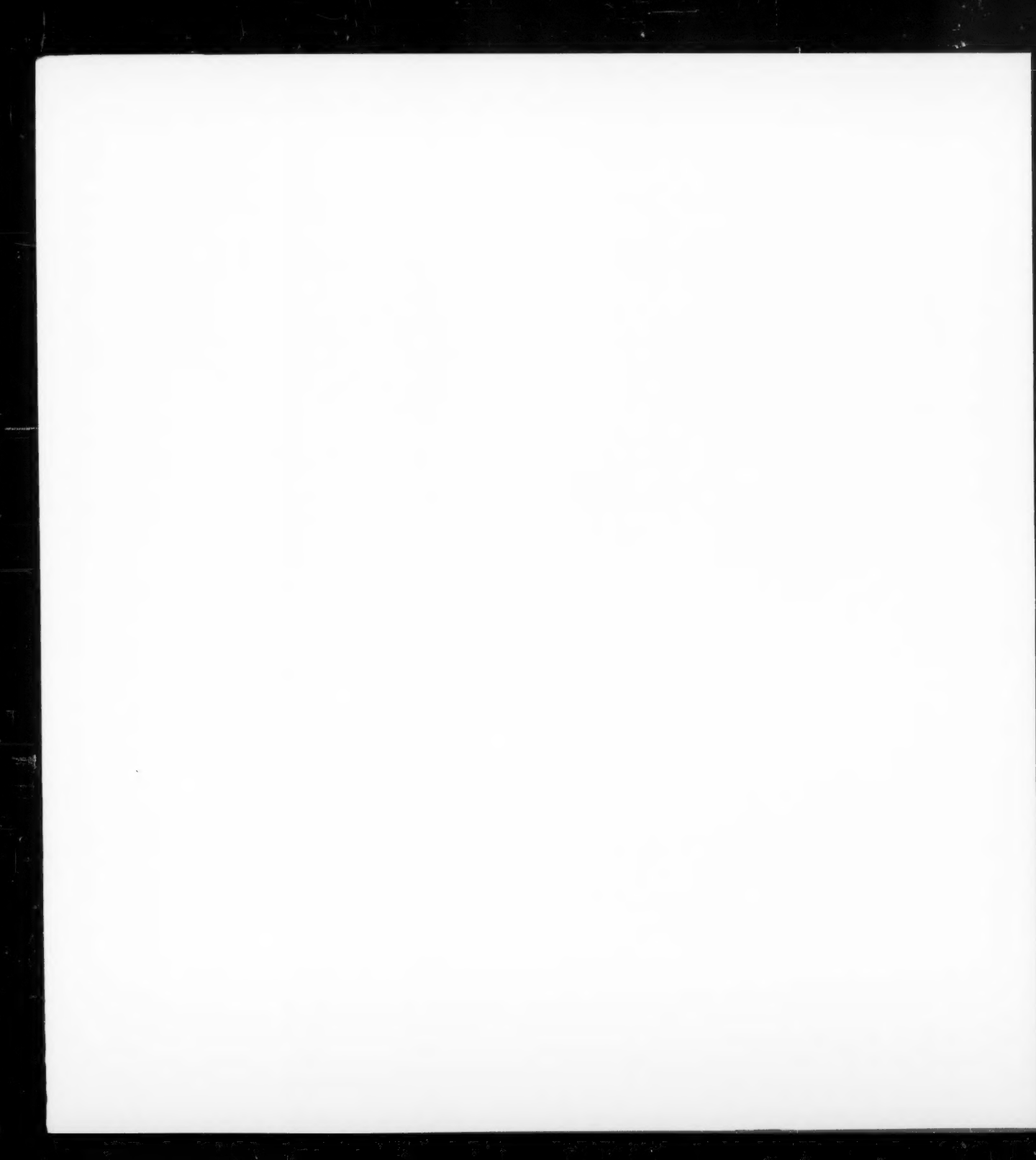


CORNELL LAW FORUM

C E N T E N N I A L I S S U E



1888-1988

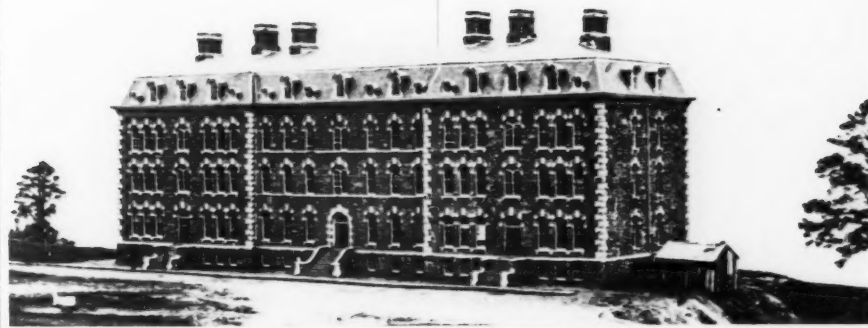


CORNELL LAW FORUM

C E N T E N N I A L I S S U E



*"To send out. . .
a fair number of
well-trained,
large-minded,
morally based lawyers
in the
best sense."*



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LAW AS HUMANE STUDY: A CENTURY OF PROGRESS AT CORNELL LAW SCHOOL

Charles Schilke '88

Even before obtaining a charter from the state of New York, Ezra Cornell and Andrew Dickson White planned that their new type of university, where any person could study any subject, would include facilities for learning law. "There is needed," White wrote in 1862, "a truly great university . . . to secure the rudiments at least, of a legal training in which Legality shall not crush Humanity." White's "Report on Organization" for Cornell University in 1866 confirmed his commitment to provide legal education. Although Theodore W. Dwight, formerly of the Columbia University law faculty, lectured on constitutional law for several years, beginning in 1869, the financial and organizational demands of Cornell's and White's ambitious university caused them to postpone actually establishing the Department of Law until 1887. A century later White doubtless would be pleased to see his ideal of humane legal study in practice at Cornell Law School.

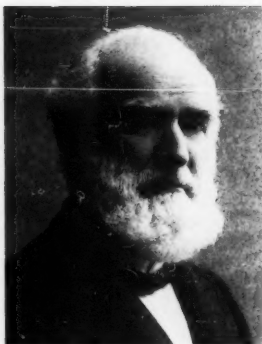
More than most institutions, Cornell Law School as it exists today cannot be understood without an appreciation of the period during which it was formed. The establishment of the Department of Law at Cornell was a significant aspect of the era of progressives in American society, which was roughly between 1880 and 1920. Simply put, progressives sought to rationalize the burgeoning growth of American industry while simultaneously preventing that growth from overwhelming traditional American values. The dual commitment to industrial development and traditional values reflected the regional distinctions within the progressive movement, as the already industrialized East sought greater efficiency,

while the newly industrializing Midwest was still closer to old-fashioned heartland morals and perhaps more directly concerned with preserving them. Cornell University's location in New York, a state squarely in the East yet at the gateway to the Midwest, placed the school in an unusually favorable position to mediate between those twin currents of progressivism.

The need to socialize both newcomers from small-town America and the increasing number of foreign immigrants to life in the industrial city, and the accompanying sublimation of religious into more-secular ethical values, gave education a role in progressivism probably greater than in any reform movement in American history. Conscious of their special roles in managing industrialization, professionals in medicine, architecture, and law formed national organizations that immediately concerned themselves with professional education. Shortly after the American Bar Association was formed in 1878, for example, the organization recommended the establishment of three-year law schools in each state. The founding of a law school at Cornell, in a part of the country unusually attuned to the divergent currents in progressivism, keyed to the movement's almost missionary urge to raise the condition of legal education, was thus a quintessentially progressive event.

By 1884, fresh from a diplomatic assignment in Germany, President White began to plan for a law faculty in earnest. In a

*"A legal training
in which Legality
shall not crush
Humanity."*



Douglass Boardman

famous passage from his last annual report on Cornell University he wrote:

Our position as regards a department of law is most favorable. Our aim should be to keep its instruction strong, its standards high, and so to send out, not swarms of hastily prepared pettifoggers, but a fair number of well-trained, large-minded, morally-based lawyers in the best sense, who as they gain experience, may be classed as *jurists* and become a blessing to the country, at the bar, on the bench and in various public bodies.

White charged a special committee of the Cornell University Board of Trustees with preparing a comprehensive report on the feasibility of establishing a law department at Cornell.

The committee's report concluded that although law school education was superior to law office training, most law students were still learning their profession by "reading" law in the office of a practicing attorney. Moreover, most of the forty-seven American law schools then in existence were nonuniversity proprietary enterprises lacking endowment, and no more than four eastern law schools up to that point had had any significant effect on legal education. Finally, outside of New York City and Albany, there was little effective legal education, and Ithaca was thus "in the heart of a region abounding in students desiring instruction." The *Albany Law Journal* was less sanguine, scoffing, "We wish the new school success, but we do not expect it." Optimism prevailed, however, and in June 1886 White's

successor, President Charles Kendall Adams, who, like White, had taught for a time at the University of Michigan and was particularly impressed with legal education there, recommended that Cornell create a law department. True to the progressive urge, the timing could hardly have been better: between 1889 and 1899 the number of students attending law school tripled nationwide.

The new Department of Law held its first classes on the fourth floor of Morrill Hall in September 1887. Judge Douglass Boardman, who had been an active university trustee for some years, became the first dean. The full-time faculty consisted of three lawyer-professors: Harry B. Hutchins, from the University of Michigan Law School; Francis M. Burdick, from Hamilton College; and Charles A. Collin, of Elmira. Consistent with the broad historical and cultural interests of White and Adams and their determination from the outset that Cornell be a "scholarly" department of law, the faculty also included two nonlawyers, Moses Coit Tyler, professor of American constitutional history and law, and Herbert Tuttle, professor of English constitutional history and international law. In addition, several nonresident lecturers offered occasional instruction.

Fifty-five students enrolled that first year for what was initially a two-year program. The students came largely from New York and the Middle Atlantic states but also from as far away as Japan. Tuition was \$75 a year; living expenses in Ithaca were about \$5 a week. Three hours of class daily were taught largely by the case method and focused on the commentaries of Blackstone and Kent. Weekly moot courts,



"We had to drive them out of the library at night, and had a hard time answering their questions the next morning. For ingenuity and energy I never saw them equaled."

probably the first at any American law school, assured that students would become effective practical lawyers as well as masters of legal tomes.

From its inception legal study at Cornell has been in the forefront of the continuous raising of standards for students and faculty that is the dominant theme in the development of American legal education. The Department of Law's second dean, Francis Miles Finch, whose experience as a judge on the New York Court of Appeals afforded him the opportunity to observe the competence of attorneys firsthand, was one of the leaders in the struggle for higher professional standards. Initially, however, the law faculty was constrained to require only one year of high school for admission, since an apprenticeship in a law office was still the dominant mode of legal education in 1889 and excessively rigorous admissions criteria might induce students to avoid law school altogether. The combined pressures of the American Bar

Association, alumni, faculty, and Jacob Gould Schurman, president of Cornell University through most of the progressive years, resulted in the continuous improvement of standards. By the late 1890s a high school diploma was required for admission and the course had been lengthened to three years.

As legal education at Cornell prospered, the law faculty soon outgrew its quarters in Morrill Hall. Showing perhaps that streak of practicality in the service of ideals that was characteristic of Cornell Law School from the outset, the law faculty obtained the funds for a new building by winning a lawsuit against the state of New York. The state was compelled to release \$89,000 in Morrill Act funds that it had erroneously withheld, enough for a new building. Liberty Hyde Bailey, the redoubtable chairman of the Department of Agriculture, argued that Morrill Act funds were intended to

6 support agricultural study, but the forensic skills of the Cornell lawyers prevailed. By 1892 the Department of Law and the Moak Library, purchased in memory of Dean Boardman, and one of the best collections of law books in the country, were ensconced in Boardman Hall, an attractive Romanesque structure located on the site of what is now Olin Library.

Students from those early years would agree with those today that the study of law at Cornell is a challenge. The emphasis on ever higher standards meant that law students soon acquired the reputation as "the most laborious class" at the university. Charles Evans Hughes, the future chief justice of the United States and secretary of state, who taught at Cornell in the 1890s, observed: "We had to drive them out of the library at night, and had a hard time answering their questions the next morning. For ingenuity and energy I never saw them equaled."

Fortunately humanity occasionally prevailed over legality among early Cornell law students. On one occasion a civil procedure class and a class of engineers exchanged places for a day. The procedure instructor perceived the switch immediately and dismissed the engineers. The engineering instructor, however, kept the lawyers in his classroom, commenting that the class seemed unusually obtuse that day and extolling the superiority of engineers over lawyers.



Standards for admission to legal study at Cornell rose still higher in the early years of the twentieth century. Dean Ernest W. Huffcutt, one of the founders of the American Association of Law Schools, spearheaded the drive for increased professionalism. In 1907, under Dean Irvine, a year of college was required for admission, and in 1917, under Dean Woodruff, the admission requirement was increased to two years of college. The establishment of the *Cornell Law Quarterly* in 1915 served to stimulate intellectual interest in the law among law students, while its articles sought to improve the substance of American law.

During the fall term of 1918 approximately 90 percent of the law students enrolled in Cornell's World War I Student Army Training Corps, and only twenty-four continued to take law courses. But following the armistice and the



Demolition of Boardman Hall in 1959 to make room for the present Olin Library

prompt demobilization of the corps, the spring term of 1919 saw enrollment return to a more normal 216. In the 1920s standards for admission to legal study at Cornell assumed their modern form, when Cornell established the highest law school admissions standards in the state of New York by requiring a college degree of applicants other than Cornell undergraduates. With the imposition of that requirement, the College of Law properly became a graduate professional school. In 1925 it adopted the name Cornell Law School.

As standards increased, there was a temporary enrollment drop, but by 1927 the size of the entering class again exceeded 150. Influenced by the trend in legal thought during the interwar period known as legal realism, Cornell Law School, like several other major law schools, abandoned a fixed curriculum and offered elective courses. Those curricular changes underscored the intellectual aspirations of legal study at Cornell and secured the institution's role as a university law school. Reinforcing that growth, in 1928 the Board of Trustees authorized the Law School to confer the advanced Master of Laws (LL.M.) and Doctor of Juridical Science (J.S.D.) degrees.

By the end of the 1920s Cornell Law School had outgrown Boardman Hall and required larger and more-modern facilities suited to the shift of the curriculum toward seminars and the increased size of the student body and faculty. Fortunately, in 1928 Myron C. Taylor, LL.B. '94, chief executive officer of United States Steel Corporation and subsequently presidential representative to the

Vatican, donated \$1,500,000 for a new Law School building. His interest in diplomacy and foreign languages convinced him that Cornell should become a center for training future leaders in international law. Built in a collegiate Gothic style at once tasteful and serviceable, Myron Taylor Hall symbolizes its benefactor's ideals with its prominent tower signifying world peace through world law. The founding of Curia, a student society that is dedicated to effectuating the aspirations of Myron Taylor and that lives on as an informal group of New York City alumni meeting annually to dine and reminisce, ensured that those ideals would be memorialized by more than Cornell stone.

The onset of the Great Depression in 1929 again seriously reduced student enrollment and soon dashed for a time Taylor's pacific aspirations. The crisis of the 1930s, however, presented Cornell Law School with opportunities as well as challenges. Partly in response to declining enrollment, the Law School made a special effort to increase the number of students entering from the South, West, and Midwest, perhaps the first step in making Cornell Law School truly national in the composition of its student body as well as in its reputation. Public service became a major part of the law professor's role, as illustrated by the work of Dean Burdick, Professor John MacDonald, and others for the New York State Law Revision Commission. Service to society



Myron C. and Anabel Taylor in the courtyard of Myron and Anabel Taylor halls

became crucial for students as well, and the Cornell Legal Aid Bureau was established in 1936 in cooperation with the Tompkins County Bar Association. The appointment of Robert S. Stevens as dean in the same year prompted an intensive review of the curriculum. The review committee concluded that the case method should be supplemented by other types of instruction, and as a result problem courses were instituted in 1937.

During World War II the size of both the faculty and the student body again dropped precipitously. But, as in the 1920s, the postwar period witnessed a remarkable expansion of the Law School and enrichment of its programs. As a result of the interest of the returning veterans in particular, the faculty in 1948 created a specialization in international affairs. The use of an early version of the Law School Aptitude Test provided an objective standard for the recruitment of the national student body that Cornell had actively recruited without such a standard since the 1930s, and, by 1948, 78 percent of Cornell Law students had received their prelegal education at schools other than Cornell. In the late 1940s and early 1950s several chairs of law were endowed, guaranteeing that Cornell would retain the most-talented law teachers to provide its students with superior instruction. The first of those chairs was the William Nelson Cromwell Professorship of International and Comparative Law. It was first held by Professor Gustavus H. Robinson but was subsequently held for nearly two decades by Professor Rudolf B. Schlesinger. The J. DuPratt White Professorship of Law was first held by Professor Horace Whiteside and is

currently held by Professor Alan Gunn. The Edwin H. Woodruff Professorship of Law was first held by Professor George Jarvis Thompson and is presently held by Professor Ernest Roberts. The William G. McRoberts Research Professorship in the Administration of the Law was first held by Professor Bertram F. Willcox and is currently held by Professor Robert Summers.

The Gray Thoron deanship of the fifties and sixties saw a comprehensive faculty review of the curriculum; the building of the Charles Evans Hughes Law Residence Center, made possible by a second major gift of more than a million dollars from Myron Taylor in honor of his revered teacher; and the establishment of a Law School Advisory Council of distinguished alumni and members of the bench and bar that has helped bring the school closer to its alumni and to the legal profession. There was also a substantial improvement in faculty salaries that significantly strengthened the school's capacity to attract and hold a faculty of distinction.

The curriculum review emphasized two basic objectives. The first continued and strengthened the school's traditionally intensive grounding in legal fundamentals and disciplines. The second led to placing greater emphasis on legal philosophy, legal history, and public law, as well as comparative and international law, much in the spirit of Andrew Dickson White's original conception of a Department of Law. Further, in addition to strengthening the humanistic side of legal education, the curriculum exhibited enhanced practical emphasis with new courses stressing trial and appellate advocacy and professional practice and responsibility. It was supplemented



Changes in emphasis were designed to help students develop a greater appreciation for those economic, social, political, and moral factors that shape the law.

by the revival of the Legal Aid Clinic, which had suspended operations during World War II. Those changes in emphasis were designed to help students develop a stronger sense of social and professional responsibility and a greater appreciation for those economic, social, political, and moral factors that shape the law.

Under Dean William Ray Forrester, during the 1960s, Cornell Law School further consolidated and improved on the gains of the postwar period. The *Cornell Law Review* expanded to six issues a year on the occasion of its fiftieth anniversary in 1965. In addition to curricular developments, Professors Rudolph B. Schlesinger, Ian R. Macneil, and Robert S. Pasley made a major contribution to research, following Cornell Law School's strong traditions in both comparative and commercial law, by completing their extensive pioneer study on the general principles of the law of the

formation of contracts recognized by civilized nations. Donors provided for two more endowed chairs. The Robert S. Stevens Professorship, given in memory of the great midcentury dean, was held first by Professor Walter E. Oberer and currently by Professor Roger C. Cramton. The Edward Cornell Professorship, which gives preference to scholars and teachers in the field of corporate and business law, was fittingly occupied by Professor Harry G. Henn.

More significant than those incremental changes, however, was the whole complex of social forces that emerged in the 1960s and set an agenda for the reform of law schools to which Cornell and other institutions have attempted to respond ever since. By the end of the decade more than 10 percent of the students at the Law School were required to take leaves during the academic year to fulfill military



Robert S. Stevens



Gray Thoron



William Ray Forrester

obligations imposed by the Vietnam War. Nonetheless students in the Law School were less agitated than the undergraduates and acted with relative restraint during the Cambodian crisis and the Kent State tragedy. In part to allow for students' leaving for the armed services, entering classes at that time were the largest since the flood of veterans following World War II.

New orientations in legal education and student activities reflected the general political change of the times. In 1962 the Legal Aid Clinic initiated the Cornell Prison Project. Spurred by the foreign policy concerns of the time, the *Cornell International Law Journal* expanded to two substantial issues. The curriculum was substantially liberalized when the faculty made all the courses in the second and third years elective.

The rapid social changes of the late 1960s and the early 1970s produced marked tension between the legal profession and legal academia. As Dean Roger Cramton wrote in his 1976 annual report, which foreshadowed his special report on lawyer competence to the American Bar Association in 1979, "The practitioners are unhappy because they perceive the educators as unconcerned about the practical skills of their graduates; and the educators fear that the multiplication of requirements will impose undue inflexibility on the Law School curriculum, undermine faculty responsibility for academic policy, and create for new graduates entry barriers unrelated to competence." Under Dean Cramton and his

successor, Dean Peter Martin, the faculty moved judiciously to revitalize the more humane and intellectual dimensions of legal education at Cornell, as well as its practical aspects, in order to bridge the gap that had arisen between practice and the academy.

First, the school moved to enhance its commitment to "the grandness of the law professor's calling" and particularly to faculty research. The institution of a faculty seminar, at which members of the faculty report on their current work, was designed to nurture legal scholarship among Cornell Law School's already prolific professors. Several new endowed chairs further contributed immeasurably to the restrengthening of legal education at Cornell in the 1970s and the early 1980s. The Frank B. Ingersoll Professorship was first held by Professor Robert S. Pasley and subsequently by Professor James A. Henderson, the present holder. The Samuel S. Leibowitz Professorship of Trial Techniques, named for a 1915 Law School graduate who became a prominent criminal lawyer, most noted for his role in the famous Scottsboro civil rights case in the 1930s, was first held by Professor Irving Younger and is now held by Professor Faust F. Rossi. The Charles Frank Reavis Sr. Professorship, commemorating a distinguished four-term congressman from Nebraska, is held by Professor Charles W. Wolfram. Finally, the A. Robert Noll Professorship is currently held by Professor John J. Barceló III.

Second, the Law School acted boldly to integrate other disciplines and perspectives into the law curriculum so as to make the institution



even more a true university law school in the spirit of White's original vision. For decades Professor Herbert W. Briggs and his graduate course in international law symbolized cooperation between the Law School and other departments of the university, leading to his becoming an elected member of the Law Faculty in 1956. Several joint appointments in the late 1970s extended that cooperation. Professor George Hay, a member of the economics department, offered the outlook of an economist. Professor David B. Lyons contributed substantially to the study of jurisprudence. The founding of the *Law and History Review*, with support from the Law-Milton and Eleanor Gould Fund at Cornell and the American Society for Legal History, rejuvenated legal history. The Law School had already extended its educational mission to the wider university in the early 1970s, when Professor Robert Summers first offered a course, *The Nature, Functions, and Limits of Law*, to nonlaw students in other divisions of the university.

The third and most direct response to the tensions between practitioners and professors was the faculty revision of the curriculum to place more emphasis on teaching students

techniques for integrating the analytical and doctrinal side of law school with the real-world problems encountered by lawyers. That meant a pronounced increase in clinical legal education, both in the imposition of a new skills requirement and in the upgrading of the Cornell Legal Aid Clinic. In addition, the faculty attempted to guide upperclass students in their course selections by suggesting four core courses to be taken in the second year, as well as by offering several areas of concentration to encourage greater depth in students' third-year programs.

Harry Henn, the Edward Cornell Professor emeritus, who knows Cornell Law School as few others do, has perceptively observed that legal education at Cornell has "a continuity equaled by few other law schools." Despite a century of changes Andrew Dickson White would have little difficulty recognizing his brainchild. Indeed, since the curricular changes of the late 1970s and early 1980s, in its broad outlines, if not in scope and methods, the current curriculum may be closer to that of the Department of Law that White and Adams instituted in the progressive era than that of any other subsequent period. Cornell Law School in

Legal education at Cornell has "a continuity equaled by few other law schools."

*The school will
remain one of the
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resolute.*

its centennial year is indeed a "scholarly" institution. To an unusual degree the school's faculty have broad cultural and social interests reminiscent of White's own. There is an emphasis on both business law and public law, as well as systematic instruction in legal ethics. The Department of Law's original emphasis on pleading and practice endures to the present in such well-received courses as Civil Procedure, Evidence, and Trial Advocacy. Moreover, though its closest ties are to its fellow Ivy League schools, Cornell Law School continues to mediate between the East and the Midwest through its close ties to such law schools in the heartland as Michigan and Chicago. Indeed, since it is the westernmost Ivy League law school, at a university at once private and public, Cornell Law School today is a bridge between the East and the West and between private and public education.

Even someone as cosmopolitan as Andrew Dickson White might be astounded by the most significant change in legal education at Cornell in the last century: the vastly increased diversity of the student body, especially during the last two decades. Though performing much the same task of assimilating students to American legal culture as it did during the progressive era, Cornell Law School in the 1980s must meet the challenge of carrying out that task with a student body representing an incomparably wider variety of backgrounds. The fifty-five students in the class entering the Department of Law a century ago included students from only one foreign country, Japan. The 185 students in the class entering Cornell Law School in 1987 included students from

thirty-six states and, coincidentally, one foreign country, Korea.

Although Cornell University was a leader in the education of women from its earliest days, the class that entered a century ago included no women; the class that entered in 1987 included seventy-two women. Except for the Japanese students, no members of minority groups were members of the class that entered a century ago; the class that entered in 1987 included eleven Black students, five Hispanic students, and thirteen Asian students. A college degree was not required for admission in 1887; 11 percent of the 1987 entering class had advanced degrees beyond college.

As Cornell Law School follows its traditions into a second century, the school is especially fortunate to be completing a \$20 million dollar addition to Myron Taylor Hall that will update the school's physical facilities to reflect the curricular changes of the 1970s and 1980s, much as the original building allowed the school to adjust to the educational advances of the 1920s. The expansion principally benefits the library by greatly increasing shelf space and the number of carrels for students but contains more space for faculty offices, classrooms, administration, and student activities as well. Despite the physical expansion, however, the school will remain, in the words of outgoing Dean Peter Martin, "one of the small and the resolute." Cornell Law School will continue to educate Andrew Dickson White's "fair number" of lawyers well trained for service to legality who are sufficiently large-minded and morally based to practice law with humanity.



T I M E L I N E

HISTORY OF CORNELL LAW SCHOOL

1862

Morrill Land Grant passed, used in part to endow Cornell University

1865

Cornell University incorporated

1866

Cornell University president A. D. White recommends establishment of law study

1868

Cornell University opens

T. W. Dwight becomes resident lecturer of constitutional law

1885

President White suggests future Department of Law

1886

February, Merritt King law library of 4,000 volumes purchased

Vote by trustees to organize Department of Law

1887

March, law faculty appointed

Fall, Department of Law opens in Morrill Hall, fourth and fifth floors; Judge Douglass Boardman is first dean

1888

First graduating law class of nine students



James W. Call.

1889

LL.M. program introduced

1891

Judge Francis Miles Finch becomes dean

Charles Evans Hughes joins faculty

1892

Summer, Judge Douglass Boardman dies

Boardman Hall built

Myron Taylor becomes a student at Cornell

1893

February, Boardman Hall dedicated

Summer law school started

September, Nathaniel C. Moak dies

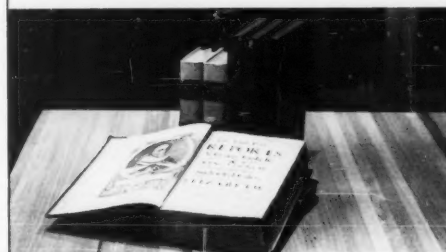
The Moak library of 12,415 volumes purchased for the law library by the Boardman family as a memorial to Judge Boardman

Alexander H. R. Fraser becomes first law librarian

First woman graduated, Mary Kennedy Brown

1894

Edwin J. Marshall Collection on Equity bequeathed to law library



**1896**

Department of Law becomes College of Law

1897

Law School course lengthened to three years

1899

Entrance requirements changed to include four years of high school

1903

Professor Ernest Wilson Huffcutt, member of first graduating class, becomes dean

1905

Earl J. Bennett collection of statute law established in law library

1907

Professor Frank Irvine becomes dean
Honor system instituted

1911

Entrance requirements changed to include one year of college

1913

Frank Irvine Lectureship established

1915

Cornell Law Quarterly established (Professor George G. Bogert is first faculty editor)

1916

Cornell Law Quarterly now also edited by student board of editors

Professor Edwin H. Woodruff, member of first graduating class, becomes dean

1919

Entrance requirements changed to include two years of college

1921

Professor George G. Bogert '08 becomes dean
Curriculum enlarged to include courses on taxation, business law, and others

1923

Alumni form Cornell Law Association



1924

Entrance requirements changed to include undergraduate degree

Trustees approve College of Law as a graduate school

1925

Renamed the Cornell Law School

Cornell Law Quarterly edited by students only

1926

Professor Charles Burdick, son of an original faculty member, becomes dean

1929

Graduate program leading to J.S.D. and LL.M. degrees introduced

Myron Taylor provides \$1,500,000 for new building

1930

Construction begins on Myron Taylor Hall

1932

Myron Taylor Hall occupied, dedicated October 15

Summer session discontinued

1934

New York State Law Revision Commission established with offices at Cornell Law School

1937

Professor Robert S. Stevens becomes dean

1941

Professor William Hursh Farnham becomes acting dean (until 1945)

1945

First Black law student awarded graduate degree, Harry Hazelwood, Jr.

1946

Library receives bequest of 949 volumes, including Chancery Rolls and seventeenth- and eighteenth-century reports, from Edwin J. Marshall estate

1948

Law School Admission Test results become additional criteria for entrance

Program of specialization in international affairs established, LL.B. degree introduced

1949

William Nelson Cromwell Professorship of International Law established

1951

J. DuPratt White and Edwin H. Woodruff Professorships established

1952

National Committee on Giving created
Cornell Law School Fund inaugurated

1953

William G. McRoberts Research Professorship in Administration of the Law established





1954

Combined four-year programs leading to LL.B. and M.P.A. or M.B.A. degrees started

Dean Robert S. Stevens resigns

Administration Committee of the Law School formed to function as dean with Professors MacDonald (chairman), Warren, and Fricke

1955

Robert S. Stevens Lectureship established

1956

Receipt of Ford Foundation Grant of \$396,000 to support Cornell Summer Conferences on International Law and Comparative Law Seminars
Professor Gray Thoron becomes dean



William Nelson Cromwell Professorship becomes the William Nelson Cromwell Professorship of International and Comparative Law

1957

Frank and Mickey Martin become residents of Myron Taylor Hall

1958

Law School Advisory Council established
\$1,000,000 gift from Myron Taylor for new residence center

National Law Scholarship established

New curriculum adopted requiring elected area of major concentration and expanded core requirements

Henry A. Carey Lectureship in Civil Liberties established

1959

Myron Taylor dies

1960

Cornell Legal Aid Clinic opens

J. Arthur Jennings Law Library Fund established

1961

Herbert D. Laube Endowment Fund established by his widow, Vivian F. Laube

1963

William Ray Forrester becomes dean
September, Hughes Hall opens



1964

Dedication of the Charles Evans Hughes Law Residence Center

Cornell Law School receives first invitation to Sutherland Cup Appellate Moot Court Competition

1966

Cornell Law School becomes first law school to receive permission to permit court appearances by third-year students through the Legal Aid Clinic
Annual Cornell Law Fund reinstated

Class of '41 establishes Stevens Collection on Corporations, Equity, and Taxation

Cornell General Principles of Law project published

1967

Cornell Law Quarterly becomes the *Cornell Law Review*, published six times a year

New York State authorizes awarding of J.D. degrees

1968

First issue of *Cornell International Law Journal*

1969

University awards Doctor of Law degree retroactively to those holding Bachelor of Law degree

Environmental Law Society formed

1970

Robert S. Stevens Professorship and Edward Cornell Professorship established

Women's Law Coalition formed

1972

Samuel Leibowitz Professorship of Trial Techniques established

1973

Frank B. Ingersoll Professorship established

Roger C. Cramton becomes dean

1974

Law and society becomes new undergraduate concentration

1975

Library acquires 300,000th volume

Dean Roger C. Cramton sworn in as chairman of Legal Services Corporation, administering the Federal Legal Services Program

Capital Campaign begins

Law, Ethics, and Religion Program established with grant from Lilly Endowment

1976

Summer Prelaw Program initiated

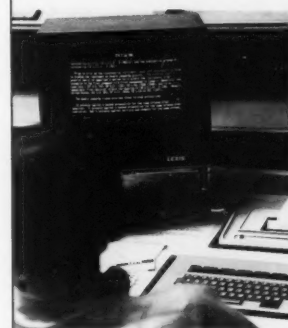
Institute on Organized Crime conducts first summer session

Library begins computer-assisted cataloging

1977

Faculty resolution to build an addition to Myron Taylor Hall

Law and Economics Program established





A. Robert Noll Professorship established
Henry Allen Mark Professorship established

1980

Milton and Eleanor Gould Endowment Fund established
John W. MacDonald Moot Courtroom dedicated
Professor Peter W. Martin becomes dean

1981

First publication of student newspaper *Dicta*
Roger C. Cramton named editor of *Journal of Legal Education*
New rare book room opened
Judge Alfred J. Loew Memorial Fund established by his family according to his will

1982

Fiftieth anniversary of Myron Taylor Hall
Francis P. Cuccia Honor with Books program starts in the law library with an initial gift from Francis P. Cuccia '12

1983

Charles Frank Reavis Sr. Professorship established
First Women and the Law Conference
Architectural firm selected to study projected space problems and possible addition

1984

First publication of *Law and History Review* at Cornell



Law School acquires its own computer network system

Kurt W. Hanslowe Memorial Fund established by his widow

1985

Edwin S. Dawson Rare Book Room dedicated

1986

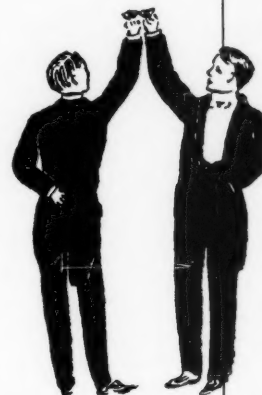
International Law Society becomes the Herbert W. Briggs Society of International Law
Professor John J. Barceló III selected to head Cornell's Commission on Free Speech

1987

Ralstone R. Irvine Prize for legal writing established
Law School begins yearlong centennial celebration
April, ground-breaking ceremony for new addition

1988

New dean selected
April, law library catalog available on university computer network
April, Law School centennial celebration
Opening ceremonies for new addition and remodeled Myron Taylor Hall

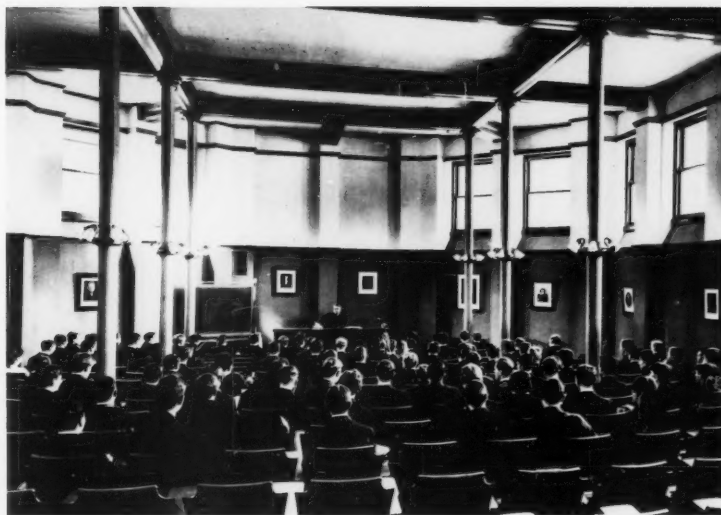


CENTENNIAL PROFILES

Lorraine J. Pakkala

The Cornell Law School, characterized by a tradition of distinguished teaching and scholarship, has won an important place among the country's top law schools. From its earliest days its reputation has stemmed from standards of quality and excellence that have marked every major aspect of the school and its operations. Its faculty, from the beginning, has attracted scholars and teachers of unusual ability and distinction, while its student body has steadily and increasingly drawn men and women of great potential. Those students, by their subsequent accomplishments and achievements at the bar, on the bench, in government service, in academia, and in business, continue to contribute to the school's stature.

Ezra Cornell's founding vision and the initial plan presented to Cornell's original Board of Trustees by Andrew Dickson White, the university's first president, consisted of a program that included legal education. They both recognized, however, that the implementation of such a program would have to await the availability of adequate funding and facilities. In 1885 White, in his final annual report as president, wrote: "Our position as regards a department of law is most favorable. Our aim should be to keep its instruction strong, its standards high and so to send out, not swarms of hastily prepared pettifoggers, but a fair number of well-trained, large-minded, morally based *lawyers* in the best sense, who as they gain experience, may be classed as *jurists* and become a blessing to the country, at the bar, on the bench and in various public bodies."



The proposal was approved. Plans were made to open in the fall of 1887, and a library of four thousand books from the Merritt King collection was moved to the cramped, poorly ventilated fourth floor of Morrill Hall. Despite the burden of its original facilities, the Law School began its activities "with promise of a useful and prosperous career."

The ensuing history of the Law School abounds in individuals with vibrant and compelling personalities who molded the school into the dynamic institution it is today. The following is not a comprehensive history, but a glimpse at a few of the great law teachers who have contributed so significantly to the school, to its students, and to the legal profession.

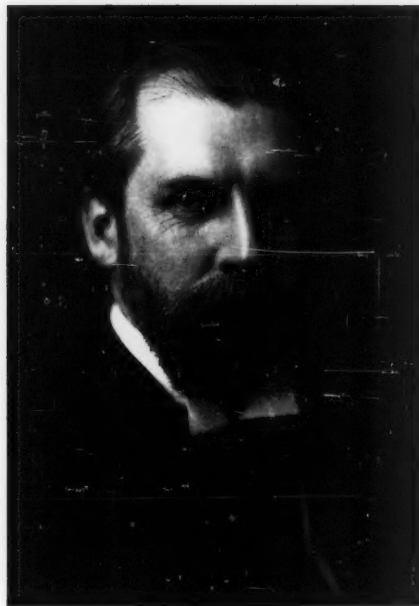
Cuthbert W. Pound teaching a class in lecture room A of Boardman Hall at the turn of the century

CHARLES EVANS HUGHES

Charles Evans Hughes joined the small faculty in 1891, when the Law School was only five years old. Hughes, only twenty-nine, was the youngest full professor on campus. Though he was on the faculty for only two years, his association with the Law School was, as he later described it, "one of the happiest of my life."

When Hughes opted for a Cornell Law School professorship instead of a lucrative practice in New York City, his father-in-law, Walter S. Carter (an eminent lawyer), sent a letter airing his views on the preposterous decision: "I felt when you first spoke to me of going to Cornell, that you were making a very great mistake, and time has only served to strengthen that conviction." He was disturbed also that his two grandchildren would have to grow up in a "one-horse town like Ithaca." The letter, written on December 21, 1892, ended on this scathing note: "You ought to be 'batted in the beak' . . . for even thinking of such a thing."

In 1893 Hughes left Cornell as full professor to return to private law practice, apparently because he was having trouble making ends meet for his young family on an academic salary. He left an indelible impression on the minds of his students. Harry L. Taylor, a justice in the Appellate Division of the Supreme Court of the State of New York, wrote, "He created in all of us respect for his extensive and (so far as we could judge) accurate learning, his uncanny memory and his



ability to 'put over his messages.'"

President Jacob Gould Schurman gave Hughes's teaching similarly high marks: "Hughes would lecture for three hours, always without a note, citing perhaps a hundred cases, and quoting the opinion verbatim. It is a matter of record, too, that his pupils did not 'cut' his lectures."

Unable to give up the classroom completely, Hughes continued to teach at the Law School as a nonresident lecturer until 1895. For a week each year he lectured on assignments for the benefit of creditors. Among the students whom he influenced in those years was young Myron Charles Taylor '94, who was later to become one of the school's principal benefactors.

Hughes went on to a highly distinguished career in public service. He was governor of the state of New York from 1907 to 1910, associate justice of the United States Supreme Court from 1910 to 1916, and chief justice of the



United States from 1930 to 1941. In 1916 he was the "almost successful" Republican party opponent of Woodrow Wilson for the office of president of the United States.

Despite all those achievements Hughes recalled his years at Cornell Law School with special fondness. "As I look back over a life of varied activities," he observed years later, "I think that I enjoyed teaching most of all."

When Myron Taylor Hall was dedicated in 1932, Hughes, then chief justice, wired regrets from Washington for not being able to attend: "My association with the Faculty of the School in its early days was one of the most delightful experiences of my life and I have observed the development and success of the School with the keenest gratification. It is a far cry from the time we met on the top floor of one of the oldest buildings on the campus and when a little later we first enjoyed the advantages of Boardman Hall to this day when Myron Taylor Hall opens its doors. The School has more than fulfilled the hopes of its founders and its enlarged opportunities beckon it to an even higher degree of usefulness. . . I have no doubt that the new home of the School will be a power house for the generation and distribution of the most helpful influence and I send you my hearty congratulations upon this happy occasion." It would later be at Myron Taylor's request that the Law School's new student resident center, completed in 1963 and largely funded by another major gift from Taylor, would be named the Charles Evans Hughes Hall.

In addition to Hughes, six other members of the resident law faculty had served as or became appellate court judges. Professors Henry

W. Edgerton and George T. Washington became judges of the United States Court of Appeals for the District of Columbia Circuit, and Professor Joseph T. Sneed became judge of the Court of Appeals for the Ninth Circuit. Dean Francis Miles Finch and Professor Cuthbert W. Pound were judges of the New York Court of Appeals, Pound becoming chief judge on the elevation of chief judge Cardozo to the United States Supreme Court. Dean Frank Irvine had been a member of the Nebraska Supreme Court prior to joining the faculty. Visiting professors and nonresident lecturers who were or were to become appellate judges included Finch prior to his decanal appointment, Irving G. Vann, Leonard C. Crouch, and Charles S. Desmond, all of the New York Court of Appeals, and United States circuit judge Alfred C. Coxe of the Second Circuit.

EDWIN HAMLIN WOODRUFF

Edwin Hamlin Woodruff, born in Ithaca in 1862, was a member of the first graduating class of Cornell Law School in June of 1888, receiving the Bachelor of Laws (LL.B.) degree. He and Earnest Huffcut, also of that first class, became distinguished professors and deans of the Cornell Law School.

After graduation Woodruff was an English instructor at Cornell for two years. Later he served as librarian of the Fiske Library in Florence, Italy, and then as librarian and acting professor of law at Stanford University from 1891 to 1896. He returned to his alma mater as

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22 professor of law in 1896. Woodruff served as dean from 1916 to 1921 and became professor emeritus in 1927.

An outstanding scholar and editor, Woodruff was known and respected by the teaching profession and law students at many institutions, mainly because of his work as an editor of casebooks on contracts, quasi contracts, domestic relations, and insurance. Those collections, prepared between 1894 and 1905, had a long and extensive popularity; a fourth edition of *Selected Cases on Contracts* appeared in 1925 and a third edition of *Cases on Quasi-Contracts* in 1933. Woodruff combined strong scholarship with a great understanding of the practical needs of the student. Woodruff's departed from the early Harvard casebooks, which included many old English cases, by including the most-recent significant American decisions.

Woodruff's teaching was described as irresistible: "With aptness, drawing upon his extraordinary erudition in many fields of knowledge, he gave his students a liberal education. His meticulously lucid expositions were lightened with a sparkling wit. His understanding of human nature gave him patience and perseverance in the classroom and instilled a confidence that drew students to his office and his home for advice." In addition: "Professor Woodruff charmed all with his



*"One of the men
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conversation . . . punctuated with humor. Modest, and escaping publicity, he thrived on intimate contacts." Small wonder he was said to have "an over-supply in the local friends and the stream of returning alumni who sought him out."

On the occasion of Woodruff's retirement from teaching in 1927 the president of the university, Livingston Farrand, declared him to be "one of the clearest sighted, one of the best informed, one of the wisest men, and one of the men whose ideals were absolutely immovable in their soundness."

When he died in 1941, the necrology read, "Few teachers at any time or place have been so richly rewarded with the admiration and the affection of his students and his colleagues as was Professor Woodruff." The Woodruff chair was later established to honor Edwin Hamlin Woodruff.

HORACE EUGENE WHITESIDE

Horace Eugene Whiteside graduated from the Cornell Law School in 1922. His appointment as a full-time lecturer in 1923 and as assistant professor in 1924 increased the faculty size to seven.

Whiteside's close friend and colleague of nearly thirty-five years, John MacDonald, wrote of him at his death in 1956: "Memories of him are kaleidoscopic. He was a man of many parts. Athlete, classical scholar and teacher, artillery officer, law student with the best scholastic record in our history, law teacher from graduation to his death, pioneering scholar and prolific writer, sound and brilliant lawyer and counsel, trusted consultant in the reform of the law—he was all these and more

"He had an extraordinary mind and a vivid imagination, coupled with an inordinate capacity for hard work. Not only did he have ability to take himself through the history of intricate rules and principles, he had an ability—beyond comparison—to bring his students into the clarity and light of his own understanding and thinking. He was supreme in the classroom. Of course his imposing physical presence helped him, but there was so much more. No one who ever sat under him will ever forget the experience of being in his class."

Whiteside taught Trusts and Future Interests and published numerous articles in those fields. Among his distinguished works are the third edition of Huffcut's *Cases on Agency*, the second edition of Kales's *Cases on Future Interests*, and the *New York Annotations to the*

Restatement of Contracts. Those annotations have been a model for all other similar undertakings and proved to be a great help in interpreting the work of the Institute to the Bench and Bar. Along with Professor Richard Powell, of Columbia University, he played a leading role in the work of the New York State Law Revision Commission to reform property law.

Whiteside was an enthusiastic and skilled teacher of the problem course instituted by Dean Stevens. One reporter recorded:

"He had an ability to bring his students into the clarity and light of his own understanding and thinking."





"Business is brisk in the law offices of Whiteside, Bookhout, Dahmen and Didinsky, who specialize in trusts and estates. Members of the firm are hard at work on a case in which residuary legatees of a large trust left to a widow have challenged her right to establish further trusts instead of gifts as provided in her husband's will. Senior Counsel, Professor Horace E. Whiteside . . . leaves the case largely to the younger members of his firm. They are third-year students in the Law School. The firm is, in fact, a section of Professor Whiteside's 'problem course' where students work on Trusts and Estates."

Gray Thoron recalled an unforgettable and highly convivial evening with Whiteside: "In the spring of 1956, he was seriously ill, although he continued to meet his classes until mid-April. He had returned in early February from a fall term sabbatic leave, and wanted to meet the new Dean, who had been selected in his

absence. Due to his health, I had been admonished by his devoted wife Ruth, to make my visit a brief one. I arrived at six as planned, but Horace wouldn't let me leave until two in the morning. I made several attempts to leave in deference to his health, but Horace kept insisting that I stay, always for just one more drink. Obviously, he was enjoying himself immensely, as were Ruth and I. We discussed all kinds of things and hit it off extraordinarily well.

"Horace had a great zest for life, which continued to the end, in spite of his rapidly failing health. He was a giant of a man, over six feet four. He was a great personality, a great character. At the University of Chicago, he had been an All-American football player, under Chicago's legendary coach, Amos Alonzo Stagg."

A distinguished scholar and a demanding, old-style professor, Whiteside was a force in making Cornell the great law school that it is today.

ROBERT SPROULE STEVENS

Robert Sproule Stevens, who served as dean for seventeen years, made many important and unique contributions to the Cornell Law School's legacy of preeminence. He came to Cornell as a lecturer in law in 1919 with an LL.B. from Harvard. For many years Stevens served as one of New York's commissioners to the National Conference of Commissioners on Uniform State Laws. Later he wrote a leading text in the field of corporations.

Stevens was appointed dean in 1937. The Law School Policy Group made an intensive study of the Law School curriculum and concluded that while the case method of study was excellent for training students to analyze cases and acquire a broad knowledge of law, it was deficient when excluding other methods of teaching throughout the three-year study of law.

As Stevens stated in his 1938 report to the alumni: "What [is] imperatively needed is a method of instruction which will supplement the training in analysis supplied by the case method of study, with training in original investigation and synthesis, and which will develop greater ability to apply acquired skill and knowledge in the solution of legal problems." To deal with the problem, all third-year students were required to undertake the preparation of a memorandum of law based on an actual law office problem. Problem cases as a teaching method were initiated at Cornell Law School in 1936-37 and became standard teaching practice for law schools.

Problem cases were designed to expose small groups of students to demanding problems typical of those likely to be met in actual practice. They not only afforded a stimulating change of pace but gave to students necessary training and experience in researching, drafting, and solving legal problems.

Harry G. Henn, a student of Stevens and subsequently his faculty collaborator, analyzed his influence in that area: "[His] contributions to corporation law defy adequate enumeration. Many of the novel ideas which he espoused a generation ago are accepted today as if they had always prevailed.

"Nor can his effect on corporation law be accurately computed. Through his students, who were to serve as practitioners, judges, legislators, other public officials, and law teachers; through his successors as corporation law teachers at the Cornell Law School; through his writings—articles, hornbook, case book; and through his labors for statutory revision—the Uniform Business Corporation Act and the New York Business Corporation Law—his ideas have spread throughout American corporation law. Because of his lifelong interest in equity, and his own high code of ethics, he has played an elevating role in expanding the fiduciary duties of corporate management and controlling shareholders."

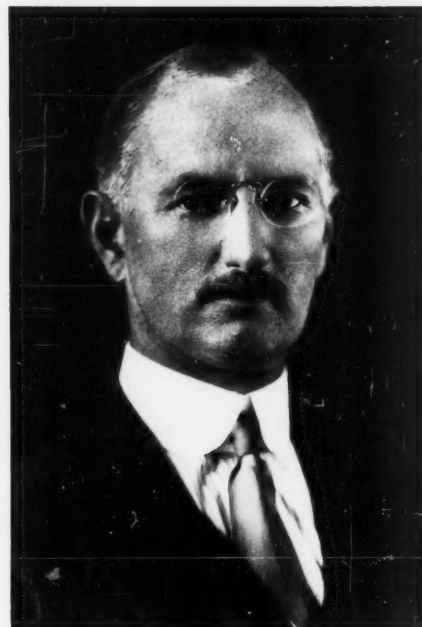
Referring to Stevens's contribution to equity jurisprudence, Robert S. Pasley, another

"Many of the novel ideas which he espoused a generation ago are accepted today as if they had always prevailed."

former student and faculty colleague, wrote: "When all is said and done, for thirty-five years . . . Equity at Cornell was Robert Stevens. For thirty-five law classes, Robert Stevens was Equity at Cornell . . . Historically, the function of Equity in Anglo-American law has been to ameliorate the rigors of a strict application of the common law, to reform and improve the law, to serve as a wellspring of ethical and moral principles, and in short to be an exemplar and teacher of lawyers, legislators and judges. And so with Robert Stevens: his has been the rare achievement of being a great historian of Equity, a great reformer of the law, an inspiring source of ethical values, and above all, a superb teacher of law, equity and morals."

As Gray Thoron observed: "In teaching, [Stevens] utilized a masterful Socratic approach. He also made his courses, especially those in equity, a means of developing the student's conscience, and of instilling a strong sense of fairness and ethics."

W. David Curtiss, also a former Stevens student, remembers him this way: "The mention of Robert Stevens's name brings to my mind a variety of memories: his quiet dignity; the warmth of his interest in his students, which continued throughout their professional careers long after they had left the Law School; his mastery of the Socratic method of teaching; his great pleasure in playing contract bridge and his enthusiasm for Cornell football games; the gracious hospitality with which he entertained his friends in his lovely home. Robert Stevens was a kindly, compassionate man, firm in his



own convictions yet always tolerant of the views of others when they differed from his own. A scholar of national stature both in corporations and in equity, Dean Stevens left his mark on legal education in general and on the Cornell Law School in particular. At Cornell, during his thirty-five years of distinguished service as professor and dean, he originated the problem course as well as the third-year library problem and comprehensive examination, established a legal aid clinic, founded the international legal studies program, and strengthened the Law School in all of its aspects — faculty, student body, curriculum, and alumni relationships. If as Emerson suggested, 'an institution is the lengthened shadow of one man,' then, insofar as the Cornell Law School is concerned, that one man was Robert Sproule Stevens."

Stevens served in both world wars. He

volunteered for military service during World War I and attained the rank of second lieutenant in the field artillery and air service. Stevens interrupted his career as dean of the Law School during World War II to go for a second time into government service. "This time his responsibilities were in a legal capacity, involving a variety of assignments principally in Washington, D.C. Successively he served with the Office of Lend-Lease Administration as Assistant General Counsel, with the Foreign Economic Administration, and with the Office of Contract Settlement as the first Chairman of the Contract Settlement Appeals Board. He assisted in the preparation of the case against the Nazi saboteurs who landed by submarine on Long Island and Florida. He also participated in negotiating economic aid arrangements for the USSR, making preemptive purchases of critical materials in foreign countries, in order both to keep them out of enemy hands and to make them available for our own use, and hearing appeals in cases involving the termination of war contracts."

In the fall of 1945 Stevens resumed his active role as dean and professor at Cornell. With returning veterans the enrollment mushroomed to more than 450 in 1950. New faculty appointees were needed, and Stevens succeeded in attracting a highly talented group of replacements who contributed greatly to Cornell Law School's strength and reputation.

Thoron remembered Stevens as a somewhat shy person who would regularly post a cancellation note the morning of his final class in each course. That was because students

customarily stood and applauded their professors on the last day of classes, which always embarrassed the modest Professor Stevens. He also remembered Stevens as a wonderful host, who, with his wife, Eva, entertained a great deal. During his deanship they regularly invited the graduating class over for a farewell party following the last day of final examinations.

Stevens retired in 1954 from the deanship and teaching. When Gray Thoron was appointed dean in 1956, he was able to induce Stevens to return to active teaching as the Edwin H. Woodruff Professor for three more years. He retired from the Woodruff chair in 1959 to devote his time to the proposed revision of the New York Business Corporation Law. He worked actively on that project until 1964, when the new law was enacted.

Robert Sproule Stevens died in 1968 at the age of eighty. His service was the second longest of any Cornell Law School faculty member—a forty-year span—and his seventeen-year deanship was the longest tenure in that office.

Gray Thoron gave him tribute: "Dean Stevens was a master teacher, a renowned and productive scholar, a wise and understanding Dean, a congenial and beloved faculty colleague, and a dedicated Cornellian. He was universally recognized for his fairness, his integrity and his deep sense of professional and public obligation. He was unassuming, modest and considerate of others. He was a good companion and a warm and generous host, held in deep affection by a wide circle of devoted friends and former students."

"If, as Emerson suggested, 'an institution is the lengthened shadow of one man,' then, insofar as the Cornell Law School is concerned, that one man was Robert Sproule Stevens."



GUSTAVUS HILL ROBINSON

For twenty years, from 1929 to 1949, students of the Cornell Law School studied admiralty under an international authority of that important subject—Gustavus Hill Robinson. An “old salt,” as his former student Professor Alexander Korthals-Altes, a member of the law faculty of Utrecht University in the Netherlands, described him, “Robbie” was held in great affection as well as deep respect by all who knew him. His scholarly commitment and memorable personality made a lasting impact on the institution to which he gave so much.

After earning the LL.B. and S.J.D. degrees from Harvard Law School, Robinson worked in the great admiralty law firm of Burlingham, Montgomery, and Beecher in New York. When he subsequently authored his now classic textbook *Handbook of Admiralty Law in the United States*, he dedicated it to Charles C. Burlingham, whom he called “my old chief.”

Robinson came to Cornell in 1929, after distinguished service on the faculties of Tulane University, the University of Missouri, the University of California, and Boston University. Always a prolific writer, he authored a wide variety of articles, monographs, and books, including two editions of *Cases and Authorities on Public Utilities*. But it was the field of admiralty law that was Robinson’s greatest interest, and his impact on that area of law was great. In 1944 the United States Maritime Commission ordered that his admiralty law text (first published in 1938) be placed in the captain’s library of every



American merchant vessel. During the Second World War Robinson was named an admiralty consultant to the Lend-Lease Administration. He also served as consultant to the New York Law Revision Commission.

Robinson remained a dominant presence in the Law School well after his official retirement in 1949. In 1950 he was named Cornell’s first William Nelson Cromwell Professor of International Law emeritus. He continued to teach admiralty several times after retirement. Professor Korthals-Altes came to Cornell to earn an LL.M. degree after his professor at the University of Leyden advised him that “for admiralty law in the United States there is no one else but Robinson.” Robinson made a deep and lasting impression on Korthals-Altes, as he had on countless other Cornell students. Korthals-Altes succinctly expressed that impression as being “reserved in the beginning, and all fire in the end.”



JOHN W. MACDONALD

John W. MacDonald graduated from Cornell Law School in 1926, when he was only twenty-one years old, with an A.B., an A.M., and an LL.B degree. After one year of general practice and at a near record age of twenty-two, he became clerk of the New York Court of Claims. Concurrently he practiced extensively before the Appellate Division and the Court of Appeals.

A year after his graduation John MacDonald married Mary Elizabeth Brown, a classmate. Mary MacDonald joined him in his consultant work and was admitted to the bar of the Supreme Court of the United States on the same day as her husband in 1943. The MacDonalds had five children, all graduates of Cornell.

In 1929 MacDonald returned to Cornell to begin work on his S.J.D. degree but was interrupted by an offer to join the faculty as

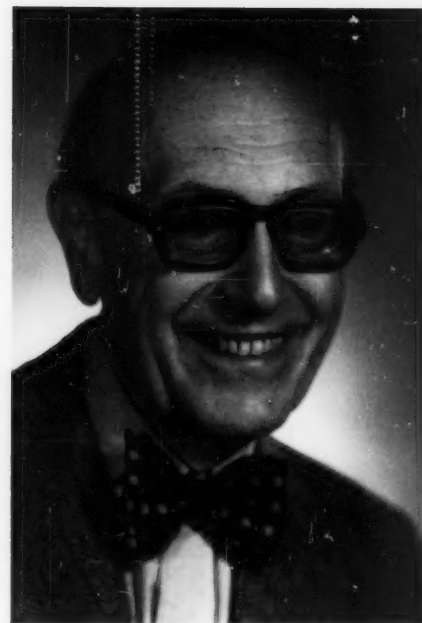
assistant professor in 1930. In 1935 he became a full professor. During his forty-three years on the faculty MacDonald taught mainly in the fields of public law and procedure. His professional writings included numerous law review articles and *Cases and Materials on Legislation*, jointly authored with Professors Horace E. Read and Jefferson B. Fordham. But his most influential work occurred during his tenure as executive secretary and director of research of the New York State Law Revision Commission. Much lauded, widely imitated, but not yet equaled as an effective reforming agent of the law, the commission has made nearly three hundred proposals, of which about two-thirds have passed into law. The commission's success is in large part a measure of MacDonald's achievement.

MacDonald led one of the most far-reaching projects of legal research undertaken during the decade (1953)—an analysis of the Uniform Commercial Code as drafted by the American Law Institute and the National Conference of Commissioners on Uniform State Laws. In a letter to the editors of the 1957 *Barrister*, Governor Harriman paid special tribute to his many contributions to the commission's work: "As a lawyer, as a teacher, and as a public servant Professor MacDonald has given great service to his profession and to the people of our state. It was in recognition of his great achievements that I recently appointed him a member of the New York State Law Revision Commission, which he has served so brilliantly as executive secretary and

MacDonald led one of the most far-reaching projects of legal research undertaken during the decade—an analysis of the Uniform Commercial Code.

director for more than twenty years." As if to underscore his words, the governor promoted MacDonald to the chairmanship of the commission.

MacDonald succeeded George Jarvis Thompson and Robert Stevens as the holder of the Woodruff chair. For all his work in and out of the Law School, MacDonald always considered teaching his first calling. Governor Harriman's statement in his letter to the editors of the *Barrister* is endorsed by his students past and present: "I am sure that in the years ahead those of you who have studied with Professor MacDonald will come to value more and more your association with him." For the Cornell Law School as well as for past students MacDonald was a greatly valued faculty member, colleague, and teacher. The warmth of his personality and his booming voice are indelible memories for more than four decades of students who studied under him. In 1980 the law school's moot court room was named the John W. MacDonald Moot Court Room in his honor.



RUDOLF BERTHOLD SCHLESINGER

Rudolf Berthold Schlesinger joined the Cornell Law School faculty in 1948. His scholarly brilliance, tremendous legal ability, and skill soon made him one of the most popular professors in the history of the Law School. The school was eager to add comparative law to the course offerings, and Schlesinger had the unusual qualifications of training and practice in both civil and common law. Between 1927 and 1933 he studied law at Geneva, Berlin, and Munich, receiving his Doctor Juris degree *summa cum laude* from the University of Munich in 1933. He served as general counsel to a German banking house in Munich until he left Germany to come to the United States in 1938, as Hitler's Nazism was rising in Germany.

Most of the displaced European lawyers who came to the United States were unwilling

to take a full three-year American basic course of law, though many took advanced LL.M. or S.J.D. degrees. But Schlesinger was one of the very few European lawyers of that period who saw the desirability of fully mastering American legal techniques and methods, taking the regular three-year law school program at Columbia, where he received an LL.B. degree in 1942, the same year he married Ruth Hirschland. A well-known Columbia law professor told Gray Thoron that Schlesinger's performance in his first-year contracts examination at Columbia was "absolutely stupendous" and that he was head and shoulders above the next-best student in the course.

After graduation from Columbia, where he served as editor in chief of the *Columbia Law Review*, he was appointed law secretary to chief judge Irving Lehman of the New York Court of Appeals. He then spent three years practicing law in the canyons of Wall Street.

Schlesinger joined the Cornell Law School faculty as an associate professor and later became a full professor and eventually the William Nelson Cromwell Professor of International and Comparative Law.

Schlesinger's casebook on comparative law was the first and most widely used teaching tool in that field in the English-speaking world; a fourth edition was published in 1980 and a fifth in 1988. His two-volume work *Formation of Contracts—A Study of the Common Core of Legal Systems* represented the first attempt to identify a common core among leading legal systems with respect to a particular field of law and was the most widely reviewed law book in recent years.

Schlesinger's former colleagues at Cornell Law School emphasize his tremendous ability as a teacher. Gray Thoron recalled: "Rudi was a fascinating person, no student was ever bored in his classes. He had a dramatic flair for speaking and was someone the students could relate to and could follow clearly through the most complicated topics. Rudi was fluent in three languages, German, English and French.

"Many law professors make students feel uncomfortable. Rudi, however, never made any student feel inferior or stupid. Many teachers are great thinkers, but few have Rudi's ability to generate such student enthusiasm in the classroom. He is a great teacher, a great performer and universally loved by his students. Besides being a great classroom teacher, he won worldwide recognition for scholarly work in Comparative Law. At the same time, he was totally without pretention."

In an interview in October 1987 Schlesinger reminisced: "I'm thinking back to my twenty-seven years at Cornell Law School with great sentimentality and of all my friends there—including my students. In every one of the twenty-seven classes I taught, there were some truly outstanding people who are still my close friends today. I regard that as the most wonderful harvest of my twenty-seven years.

"I taught the Class of '49 and my last Cornell class in 1974–75, which was the '77 graduating class. The majority of them have done extremely well, they are a matter of great pride and joy to me."

When asked about a beautifully carved wooden Madonna, which faculty colleagues

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32 well remember in Schlesinger's Ithaca living room—the only personal possession that he had ultimately been able to get out of Germany—he responded: “The Madonna belonged to a dear and fatherly friend of mine. He was a terribly persecuted Jew. Before he committed suicide, he drew up a last testament and willed it to me. The Madonna was missing for years, but after the war, it was found in a salt mine in Austria, having been bought by Hermann Goering, the Nazi political figure. I started legal procedures against the new government and convinced them my testament was genuine and got custody of the Madonna. It was shipped to me in the early fifties. Besides the sentimental value, it's also a 15th century sculpture, very few are as well preserved as this one. It's a beautiful piece of art.”

Several colleagues mentioned the close harmony and love between Schlesinger and his wife, Ruth, known as Putti. Ruth Schlesinger was the curator of prints at the A. D. White Museum and later worked at the Herbert F. Johnson Museum of Art until they left Ithaca. She continues as a curator of art at the University of California. Both Schlesingers have a broad interest in art, music, and travel. In his spare time Schlesinger has become an Agatha Christie fan.

On Schlesinger's retirement from Cornell in 1975 he joined the 65 Club at the University of California, Hastings College of Law, where he had previously taught as a visiting professor.

At a *Cornell Law Quarterly* banquet at Cornell in 1958 Schlesinger called on the *Law*

Quarterly members and all those who might be included in the term “intellectual elite” to devote at least some of their time and brainpower in the years to come to the nonbelligerent, intellectual competition in which we are presently engaged with the enemies of democracy. He added that if the only interest of tomorrow's lawyers is the winning of cases and moving from one suburb to another, then we shall lose this competition and publications such as the *Law Quarterly* will no longer be free publications.

Cornell Law School is richer from having this warm, witty scholar, who inspired his students to stretch their intellect and broaden their outlook internationally. As Schlesinger's colleague Bertram Willcox once wrote, “If Nobel prizes were awarded to jurists, I am confident that Professor Schlesinger would be a Nobel laureate.”

In 1919 Dean Woodruff, referring to the Cornell Law School, said, “[T]he school in the narrower sense consists of the faculty and undergraduates but in its larger and better meaning it comprises, beyond these, all who with solidarity of sentiment for the school have ever received instruction in its classrooms or studied in its library.” While countless people have been members of the Law School community under Woodruff's definition, the individuals profiled in this essay occupy a special place in the school's history. Their contributions were indispensable in making Cornell Law School the distinguished institution that it is.



CORNELL LAW STUDENTS — CHANGE AND CONTINUITY

Anne Lukingbeal

One hundred years have passed since the first class enrolled at the Cornell Law School. Of course the student body has changed in many ways since the fall of 1887, when a very small group of young men began the nine months of law study that would earn them their LL.B. degrees in May of 1888. But despite obvious differences the Cornell law students of that first class are similar to their counterparts of a hundred years later.

The competition for admission to top law schools like Cornell has grown dramatically in the years since the Law School opened its doors: there were more than thirty-two hundred applicants for admission to the 180 spaces in the class of 1990, which enrolled in the fall of 1987. No accurate records exist of the number of applicants for admission to the class of 1888, and it is possible that all qualified applicants were offered admission.¹ Record keeping a hundred years ago was such that it is not even clear just who was a graduating member of that first class. Although all sources agree that there were nine graduates in the class of 1888, the class photo and the list in the alumni directory yield a total of fifteen names.

The members of the class of 1990 received college degrees from ninety-six undergraduate institutions, and only 10 percent of the class have attended Cornell. In contrast some of the members of the class of 1888 had not attended college at all, and of those who did, only one had received a degree from an institution other than Cornell.

As one might expect, the members of the class of 1888 were all male,² and none were



members of minority groups.³ The class of 1990 is 39 percent female, and 16 percent of the class are members of minority groups.

And as difficult as it may be for the lucky survivors of today's intensely competitive admissions process to believe, none of the members of the class of 1888 had taken the LSAT prior to admission, let alone enrolled in a commercial test preparation course. The class of 1990 had a median LSAT score of 41, above the ninetieth percentile on the test. Whether or not that represents progress may be debatable in some circles, but there has been at least one development in the past hundred years that all would agree is discouraging. Tuition for the

Ernest W. Huffcut instructing a class of law students in lecture room C in Boardman Hall

*The records of the
first class reflect
a generation of
commitment to
public and
community service.*

members of the class of 1888 was \$75 a year, while their counterparts in the class of 1990 must locate \$12,750 for one year's tuition. Little wonder then that no records mention financial aid, while 70 percent of the class of 1990 receive some form of financial assistance.

Who were those young men in the class of 1888 who enrolled as pioneers at the brand new law school at Cornell University? What do we know of their backgrounds and accomplishments? The university's Office of Alumni Affairs contains a slim and quite dusty file on each of them.

Stephen Bailey entered Cornell University as an undergraduate in 1885. He was a lawyer and banker in Colorado Springs before moving to Snyder, Oklahoma. In 1919 he formed a law partnership with Finley McLaury, and he practiced law in Snyder until his death in 1935.

Alanson Bartholomew was born in 1863 in Whitehall, New York, where his family had lived since 1772. He attended the Troy Conference Academy in Poughkeepsie, Vermont, and received his undergraduate degree from Syracuse University in 1886. After graduating from the Law School, he returned to Whitehall, where he practiced law until his death in 1949. Along the way, he and his wife reared eight children, and he served as an officer in the war with Spain.

William Carter was born in 1863 in Fort Bridges, Wyoming. He was apparently educated by a private tutor before enrolling at the Law School. After graduation he returned to Fort Bridges, where he practiced law briefly before moving to Salt Lake City. In 1892 he returned

to Wyoming to become the general manager of the Carter Land and Cattle Company. He served as a member of the Wyoming legislature. He died in La Jolla, California, in 1947.

Francis L. Chrisman was born on November 14, 1860, in Allegan, Michigan. He earned his undergraduate degree from Cornell in 1887 and then attended the Law School. There is no record of his having received a law degree. He was apparently quite an impressive public speaker. The alumni files contain a number of press notices about Chrisman, including the following from the February 29, 1888, *Ithaca Journal*:

Mr. Francis Leon Chrisman delivered his lecture on "An Evening in Europe" for the third time in Ithaca last night before a large and appreciative audience. For an hour and a half he carried his hearers from one scene to another of historic interest — now amidst splendid and famous cathedrals, now climbing the glaciers and snow-capped Alpine peaks, and anon amid the fertile fields and vine-clad hills of romantic Italy. The lecturer was frequently applauded, his wit and humor convulsing the audience with laughter.

Chrisman became quite a famous newspaperman, who, among other activities, owned and managed the Chrisman Syndicate in Montclair, New Jersey.

He died of heart trouble on August 12, 1934. His will established the Francis Leon Chrisman Loan Fund to aid needy and promising students at Cornell. The fund is still in existence today.



Stephen D. Bailey.



Elanson P. Bartholomen.



Andros H. Cunningham.



Ernest W. Huffcut.



James W. Call.



George W. Cann.



Henry C. Elmsted.



Charles W. Hanson.



Edwin H. Woodruff.

These portraits of the first class, currently hanging in Dean Lukingbeal's office, were recently found in Myron Taylor Hall's attic.

Faculty-Student Ratio

1887	1:11
1897	1:31
1907	1:19
1917	1:36
1927	1:15
1937	1:18
1947	1:25
1957	1:12
1967	1:19.6
1977	1:17
1987	1:19

Ernest Wilson Huffcut was born in 1860 in Kent, Connecticut. He received his undergraduate degree from Cornell before enrolling in the Law School. After graduation he practiced law in Minnesota for several years. He then served on the law faculties at Indiana and Northwestern universities before returning as a professor to Cornell Law School. In 1905 he became the law school's third dean. He died a tragic death in 1907, when he apparently shot himself on the deck of a Hudson River steamboat. The newspaper headlines speculated that his depression was caused by overwork and insomnia.

Louis Lorber was born in New Orleans in 1865 and attended Cornell as an undergraduate. He returned to New Orleans after attending the Law School and managed real estate, which he noted were his personal holdings. He died in New Orleans in 1926 of influenza.

James McCall was born in Bath, New York, in 1864. He received his undergraduate degree from Cornell in 1885. After his Law School graduation he returned to Bath, where he practiced law for fifty-two years. He died in 1943 at the age of seventy-nine. His obituary described him as "the dean of the Steuben County Bar Association." McCall left a bequest to Cornell consisting of "2500 manuscripts, forty volumes of newspapers, 512 books and 250 pamphlets relating largely to central and western New York" according to the December 1, 1948, *Herald Tribune*.

Edwin Dolson was also born in Bath, New York. He had studied at Cornell University for several years before enrolling at the Law School. After graduation in 1888 he practiced law in Buffalo until his death in 1929.

George McCann was born in Elmira in 1864. He, too, attended Cornell as an undergraduate. He returned to Elmira to practice law, later becoming Chemung County judge and surrogate. He was then elected a justice of the Supreme Court for the sixth judicial district and was appointed associate justice of the Appellate Division, Third Department. He died in 1932 and left to Cornell University a bequest of \$1,000 for the purchase of books in the field of late Latin literature.

Henry Olmstead spent most of his life in Binghamton, where he had been born in 1863. He received his B.A. degree from Cornell in 1885 and his LL.B. in 1888. He actively practiced law in Binghamton and was a city judge for four years. He died in Binghamton in 1923, of what the alumni records describe as "carcinoma of the left inguinal gland."

Edwin Woodruff, who was born in Ithaca in 1862 and died in Ithaca in 1941, was a professor at Cornell Law School from 1896 to 1927 and was an emeritus professor until his death. He began his teaching career at Stanford Law School shortly after he graduated from law school. He served as dean of the Cornell Law School from 1916 to 1921. When he died, he was the subject of many glowing tributes from colleagues and students, including the following, which was wired from Nantucket by

vacationing dean Robert S. Stevens on hearing of his friend's death:

For years Professor Woodruff symbolized the Cornell Law School in the minds of those who graduated during the period of his services as professor and dean. In the classroom he mingled his extraordinary erudition and his keen wit with a sober, lucid and meticulous exposition of the law. In his office he charmed with his perspicacity, his sympathy, and a conversationalism that was rooted in knowledge and wisdom and sparked with humor. His office, and later his home, was always the rendezvous of returning alumni who felt that a visit to Ithaca was incomplete without a call upon Woodruff. Few men have contributed more to Cornell than did Woodruff. None have been so richly rewarded with the admiration and affection of colleagues and students.

An endowed chair was later established in his honor. Ernest F. Roberts is currently the Edwin H. Woodruff Professor of Law.

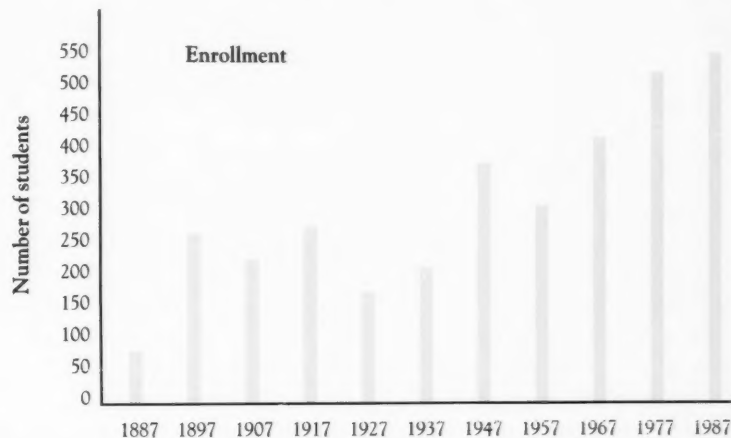
Charles W. Ransom appears in the Cornell Law School class of 1888 picture, and his name is listed in the *Cornell Law School Directory of Alumni and Chronicle* — 1983 as a member of the class of 1888, but the university archives contain no file on him that could be located.

Elmer G. Horton is also listed in the directory as being a member of the class of 1888. It appears that he dropped out of law school and went to medical school. He was later on the faculty of the Ohio State Medical School.

Robert Sternberg is listed as a member of the class of 1888 in the directory, but his file indicates that he entered the Law School in 1889 and left in 1890, receiving a "B.L." degree.

Similarly Charles Jay Clark is listed as a member of the class of 1888, but his file indicates he was a member of the class of 1889. He was a lawyer and deputy postmaster in Hornell, New York, where he died in 1922.

This completes the picture of the members of the class of 1888: two Law School deans; a number of practitioners, including some who traveled far from upstate New York; a judge; and a prominent newspaperman. How will the careers and accomplishments of the class of 1990 compare to that record? If the initial





experiences of recent graduating classes continue, the members of the class of 1990 can expect to travel far from Cayuga's waters. Fifteen to 20 percent will locate in the West and Southwest, primarily in San Francisco and Los Angeles; 5 to 10 percent will locate in either the Southeast or the Great Plains. About 70 percent will begin their careers in the Northeast, with New York, Boston, and Washington as the most popular destinations. If the current trend continues, initially none of the graduates will be self-employed. The majority will find themselves in private practice in law firms of over a hundred attorneys.⁴

Another substantial difference between the classes of 1888 and 1990 is a financial one. The members of the class of 1990 will earn far more money than their counterparts a century ago. In the first year of practice alone a current graduate may earn more than any member of the class of 1888 earned in a lifetime. The records of the first class, however, reflect a generation of commitment to public and community service; if the class of 1990 serves the public nearly as well, the legacy of that first class will continue.

1. To qualify for admission to the Law School, applicants were required to present evidence of a thorough knowledge of "arithmetic, English grammar, geography, orthography, American and English history and English composition." High school graduates satisfied the above standard simply by presenting a high school diploma. Those who had not graduated from high school or college had to perform satisfactorily on a set of examinations in the above subjects. All of those who were allowed senior class standing in the fall of 1887 had presumably passed an examination on the subjects taught in the first year of law school as well. See *Cornell University, Announcement of the School of Law, 1887-88*.

2. The first woman to enroll at the Cornell Law School was Mary Kennedy Brown, a member of the class of 1893.

3. Routine records regarding minority status were not kept at the Law School until 1976. Informal records indicate that the first Black enrolled at the Law School may have been Eugene K. Jones, a member of the class of 1936.

4. Statistics kept by the Cornell Law School Placement Office indicate that initial employment for the classes of 1983-87 overwhelmingly favored the large corporate firm practice. Although eighty-nine members of the class of 1987 joined firms of over a hundred lawyers, not a one hung out his or her own shingle.

LOOKING FORWARD FROM THE FIRST HUNDRED YEARS

Peter W. Martin

The easiest way to view an institution's past is as a preamble of progress leading to an auspicious but stable present. Deans (and others) speak and write in that frame of mind all the time. Yet to me the prime lesson of the Cornell Law School's first hundred years is how much change is apt to come in a short span of time. It would be foolish indeed to imagine that such dynamism will disappear abruptly in 1987-88.

The school's central values have endured. It is a remarkable tribute to the wisdom of our founders' vision, and to the quality and commitment of those whose lives have realized and sustained that vision, that the Cornell Law School of today can stand proudly against the plans first sketched over a century ago. But that is true only because the school has responded creatively to changes in its social, educational, and professional environment. Looking ahead, I am certain the next century will demand no less. The next decade or two hold enough foreseeable challenges and change to persuade me of that.

The early history of the school instructs that we ought not to take for granted the present placement of law school education in relation to elementary, secondary, and collegiate education on the one hand and supervised professional experience on the other. It also reminds us that the history of a law school is a part of, not apart from, the history of our nation. Wars, depressions, and deep political divisions can be read in detail in the history of the Cornell Law School, as can shifts in educational philosophy and social

values. Whatever plans those who tend the school may make, they are inescapably subject to that larger reality.

It took at least the first third of Cornell Law School's hundred-year history for it and other law schools to secure recognition, and ultimately regulatory support, of the advantage of university-based professional education over both proprietary school training and law office apprenticeship. During the same period, through a series of intermediate moves, the law degree became established as a graduate degree (nearly unique worldwide in that respect) preceded by four years of undergraduate education. Throughout that period the tension between university norms and academic values on the one hand and professional reality on the other was palpable. As early as 1889 the Cornell University Board of Trustees was confronted with a resolution calling for raising the Department of Law's admission standards to the level required for admission to the general course of the university. It was opposed by the law faculty, who insisted that could not be done until bar admission requirements were adjusted in like fashion.

Less visibly the dual allegiance to university and profession still frames the school's challenge and opportunity. More-recent developments include the withering of



joint programs that yielded both undergraduate and law degrees in six years and the erosion of notions of a core curriculum in undergraduate education. When those events are combined with the dominant law school view that no particular pattern of undergraduate education is required or even especially recommended, the consequence is that almost nothing beyond basic intellectual skills and chronological maturity, plus such qualities of character and personality as can be determined through references or interviews, can be assumed about those entering this or any similar law school.

During an earlier period most Cornell law students did their undergraduate study at

Cornell. No longer, though. The deck is now reshuffled between undergraduate study and law, with law school admissions standards, geography, and often intervening work experience producing the dispersal. Only 10 percent of our current students were undergraduates at Cornell. The gain from those several changes is in diversity of educational background and experience; the corresponding loss is the inability to rest legal education on any assumed preparation—knowledge, language skills, or discipline.

We may have reached a stable resting place, but that is not self-evident. One possible future path would involve the creation of joint



programs between undergraduate units and law schools, drawing together courses of study focused on particular areas of practice—labor law, international trade, and technology, to pick three examples. Another possibility would be to create more-explicit links to professional experience. Nearly all students graduating from Cornell Law School today have had one or more summer clerkship experiences in law, and many have, in addition, come to law school with law-related work experience. That represents an important ingredient in the present situation—one of which we currently take little conscious account.

For most of its history Cornell Law School has done more than educate future lawyers. The range and form of its educational activities directed at other students in the university (undergraduate and graduate), and its outreach to already practicing professionals, have varied substantially over time, as have the nature and emphasis of research by the law faculty. Looking ahead, all those, too, represent dimensions of potential change.

Growth in student diversity of a different sort is a dimension of change that is ongoing. One doesn't have to go back many years to find gender, race, ethnicity, and religion exercising a powerful determining force on whether one was likely to consider law study, could be admitted to a law school, or might pursue particular avenues in the profession after graduation and admission to the bar. (There is excruciating irony in the fact that the Law School's most generous benefactor, a top

member of the class of 1918, never rose above the position of legal assistant in the firm where she was "fortunate enough" to find a position.) Cornell Law School was never immune to the social attitudes of which such barriers were built. Yet it can be proud of the role it has played in their erosion. The pace of change in law school demographics has been at once impressively fast (compared to many other disciplines) and frustratingly slow. That is a critical area of change and one that is far from played out in either direct effect or long-term consequence.

Many observers have noted that the legal profession is changing—in structure, work methods, career patterns, and values. Even as individual lawyers experience greater mobility, the profession is dividing along increasingly distinct lines. For economic and other more subtle reasons those same lines threaten to cleave legal education—a phenomenon we alternately ignore and lament. Year by year the graduates of Cornell Law School move in greater proportion to the large private firms serving commercial clients. Part of the apparent shift is simply that large private firms are today larger collections of lawyers than they were a few years ago. But it is unmistakably the case that far fewer graduates of Cornell and other top schools are *beginning* practice in smaller firms in small communities or in the public sector. The story is very different at less selective institutions, which illustrates my point about the growth of parallel divisions in the profession and legal education.

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lawyers.*

The prime lesson of the Cornell Law School's hundred years is how much change is apt to come in a short span of time.

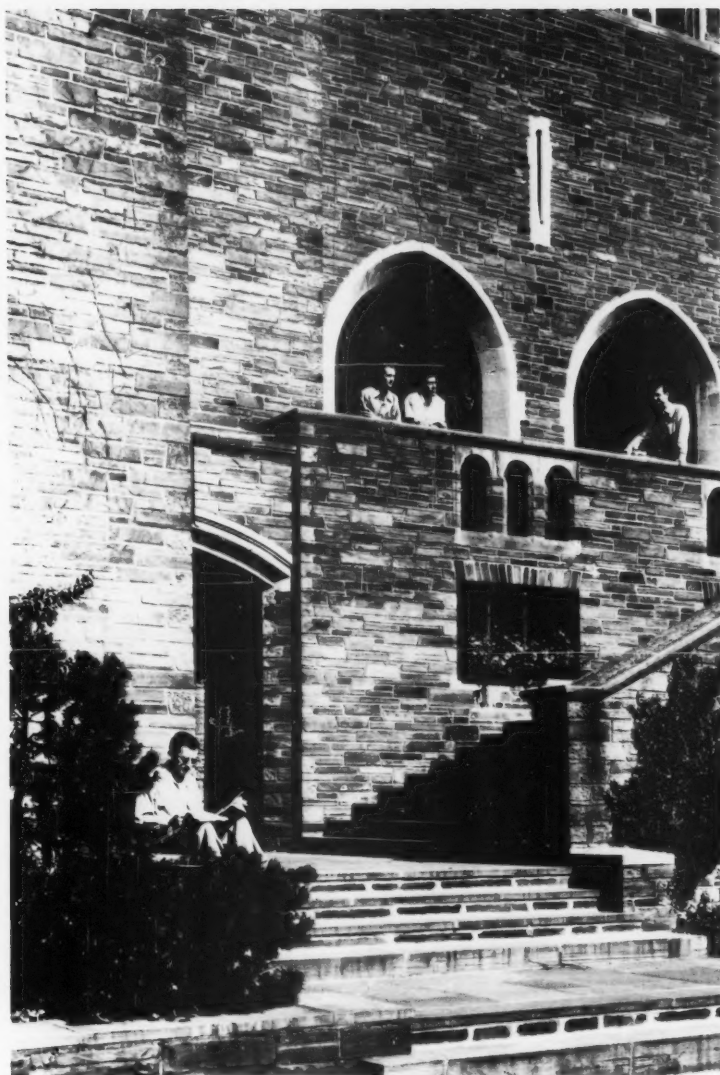
I am not certain what Cornell Law School should do in response, but I am sure it would be disastrous for us to ignore those major shifts in the professional environment to which our graduates go. It seems to me to be vital that the curriculum and research done here turn their face, not their back, toward the segment of the legal profession that draws most of our graduates and that that attention be both empirically based and rigorously, though constructively, critical. Changes in professional organization and technology deserve a central place in our students' education. At the same time, I would not have our school acquiesce to its becoming a pathway to but a single segment of the profession. We must find ways to preserve genuine career choices for our students.

When Cornell Law School was established, the school's founders saw its future solely in terms of the needs of the state (and upstate, at that). With important exceptions early classes were drawn from the region and made their careers in New York. Today the school is in reality, not simply aspiration, a national law school with important international programs. Speculating about the

future, I wonder whether Cornell's path will not involve an even further shift in looking and reaching out from Ithaca.

I would be unfair to our school's history if I did not conclude with a word about deans and their relationship to alumni. In 1919 Dean Woodruff, concluding an interesting account of the beginning years in the *Cornell Law Quarterly*, observed: "The law school has now for thirty years conferred its benefactions. To what extent has there been requital?" He answered his own question suggestively: "The law library has been the recipient of generous donations, but other opportunities for appreciation of the work of the school have with some few exceptions not been availed of by our former students and other friends . . . The best friends of the law school should be its former students . . . Its future should . . . enlist their sympathy and helpful interest. The claims of the school will never be exhausted." There followed a list of needs, including an addition to Boardman Hall.

In the years since, the friends of the Law School, including most notably its former students, have responded generously and repeatedly to the school's needs. Without that support Cornell Law School would today be an embarrassment to its founders' dreams. Because I am confident that future deans will, like Woodruff, be direct in identifying the needs of a dynamic institution and that its friends will respond, I am excited to be part of our school's future, even as I have been privileged to share in its past.



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Gregory S. Alexander, *editor*
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Drawing on mailing wrapper by Alison Mason
Kingsbury, reprinted from Morris Bishop, *A History
of Cornell* (Ithaca; Cornell University Press, 1962).

Cover photography by Jon Crispin and Patricia
Reynolds. Other photographs by Anneliese; Paul
Bedian; Jon Crispin; Fenner Studios; Sol Goldberg;
Charles Harrington; Patricia Reynolds; Department
of Manuscripts and University Archives, Cornell
University Library; Publications Photography;
Photo Services.

The editors thank the faculty, staff, and students of
the Cornell Law School for their cooperation.
Special thanks are due to professor emeritus Gray
Thoron for his assistance in putting this issue
together. His input is reflected throughout the issue.

A special publication of the *Cornell Law Forum* by
Cornell Law School. Business and editorial offices
are located in Myron Taylor Hall, Ithaca, New York
14853-4901.

Produced for the Cornell Law School by the Office of
Publications Services.

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